

**Before the**  
**PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

Docket No. \_\_\_\_\_

In re:

<b>Joint Application of Birch</b> <b>Communications, Inc. and Birch</b> <b>Telecom of the South, Inc. for</b> <b>Approval of Corporate</b> <b>Restructuring</b>	) ) ) ) )	<b>MOTION FOR EXPEDITED</b> <b>REVIEW OF APPLICATION</b>
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Birch Communications, Inc. (“Birch”) and Birch Telecom of the South, Inc. (“Birch Telecom”) (Birch and Birch Telecom collectively, the “Joint Applicants”) hereby request that the Public Service Commission of South Carolina (“Commission”) pursuant to S.C. Code Ann. Regs. 103-829 and other applicable rules of the Commission, perform an expedited review of the Joint Application of Birch Communications, Inc. and Birch Telecom of the South, Inc. for Approval of Corporate Restructuring (“Joint Application”). In support of this Motion, Joint Applicants show the Commission the following:

1. Birch, formerly known as Access Integrated Networks, Inc., was granted authority to provide local and long distance telecommunications services in South Carolina by Order No. 1999-801 issued November 15, 1999, in Docket No. 1999-323-C. On December 18, 2008, the Commission issued Order No. 2008-824 approving Access Integrated Networks, Inc.’s request to change its name to “Birch Communications, Inc.”

2. Birch Telecom is authorized by the Commission to provide local exchange and interexchange telecommunications services in South Carolina by Order No. 2000-792, issued September 25, 2000, in Docket No. 2000-0265-C. Birch Telecom is a wholly owned subsidiary of Birch.

3. Joint Applicants filed the Verified Direct Testimony of Gordon P. Williams, Jr. in connection with the filing of Joint Application.

4. Joint Applicants are informed and believe the Verified Direct Testimony and Joint Application offer a complete record sufficient to form the basis for a decision in this docket.

### **ARGUMENT**

5. The Joint Application requests authority to undertake an internal corporate reorganization, which will result in the transfer of certain assets and customers from Birch to Birch Telecom, and from Birch Telecom to Birch.

6. Joint Applicants request that the Commission process the Joint Application on an expedited basis. Expedited treatment is warranted so the internal corporate reorganization can be completed with minimum disruption. In order to manage the transfer on a company-wide basis, it is important that the reorganization of South Carolina customers take place at the same time as the reorganization of other customers throughout the United States. Expedited approval will help the Joint Applicants to proceed in an orderly and seamless fashion.

7. Joint Applicants seek expedited review of their Application on the grounds that (1) due process requirements are satisfied if the Joint Applicants waive the right to a formal hearing when there is no disputed material issue of fact and (2) notice and the opportunity to present written evidence provide sufficient due process protection.

8. The Administrative Procedures Act (“APA”) provides that “[i]n a contested case, all parties must be afforded an opportunity for hearing after notice of not less than thirty days.” S.C. Code Ann. § 1-23-320(A). The provisions of the APA ensure that procedural due process requirements are satisfied. The APA also provides some flexibility to agencies regarding hearings for contested cases. “Unless precluded by law, informal disposition may be made of a

contested case by stipulation, agreed settlement, consent order, or default.” S.C. Code Ann. § 1-23-320(F). Joint Applicants presume notice of the Joint Application will be published by the Commission, which will provide notice and an opportunity for a hearing. Joint Applicants respectfully request the Commission dispose of this proceeding without requiring a formal hearing.

9. Joint Applicants supported their request for approval of the corporate restructuring in their Joint Application and Verified Direct Testimony. Joint Applicants request therefore, that the Commission consider the Verified Direct Testimony and the underlying Joint Application as the record in this docket and rule on the Joint Application at its first opportunity.

WHEREFORE, Joint Applicants respectfully request that the Commission informally dispose of the matters before it in this Docket without holding a formal hearing, accept the Verified Direct Testimony into the record, grant their request for approval of corporate restructuring, and grant such other and further relief as it is just and proper.

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January 24, 2018

Counsel for Birch Communications, Inc. and  
Birch Telecom of the South, Inc.

**Before the  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

Docket No. \_\_\_\_\_

In re:

<b>Joint Application of Birch</b>	)	
<b>Communications, Inc. and Birch</b>	)	
<b>Telecom of the South, Inc. for</b>	)	<b>CERTIFICATE OF SERVICE</b>
<b>Approval of Corporate</b>	)	
<b>Restructuring</b>	)	

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This is to certify that I have caused to be served this day the Application, Motion for Expedited Review of Application, and Verified Direct Testimony of Gordon P. Williams, Jr. via US Mail and electronic mail service as follows:

Jeffrey M. Nelson, Esquire  
State of South Carolina  
Office of Regulatory Staff  
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January \_\_, 2018